

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

HEARD BEFORE THE HONORABLE WILLIAM E. SMITH
DISTRICT JUDGE
(Jury Trial)

APPEARANCES:

FOR THE GOVERNMENT: LEE VILKER, AUSA
and JOHN P. McADAMS, AUSA
U.S. Attorney's Office
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FOR THE DEFENDANT
Joseph Caramadre: MICHAEL J. LEPIZZERA, ESQ.
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ANTHONY M. TRAINI, ESQ.
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APPEARANCES: (Continued)

FOR THE DEFENDANT

Raymour Radhakrishnan: RAYMOUR RADHAKRISHNAN, pro se

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1 13 NOVEMBER 2012 -- 9:00 A.M.

2 (Proceedings out of the presence of the jury as
3 follows:)

4 THE COURT: Good morning, everyone. We're ready
5 to begin trial in the matter of the United States
6 versus Joseph Caramadre and Raymour Radhakrishnan.

7 In a few moments, we'll bring the jury in but as
8 we discussed with counsel in chambers, there are a few
9 matters that we need to go over before we bring the
10 jury in.

11 So let's begin by having counsel identify
12 themselves for the record, please.

13 MR. VILKER: Good morning, your Honor. Lee
14 Vilker, Assistant United States Attorney. I'm here
15 with John McAdams, fellow Assistant United States
16 Attorney.

17 MR. TRAINI: Good morning, your Honor. Anthony
18 Traini for Mr. Caramadre.

19 MR. LEPIZZERA: Good morning, your Honor.
20 Michael Lepizzera on behalf of Mr. Caramadre.

21 MR. RADHAKRISHNAN: Good morning, your Honor.
22 Raymour Radhakrishnan here with Mr. Olin Thompson as my
23 standby counsel.

24 MR. THOMPSON: Good morning, your Honor. Olin
25 Thompson, standby counsel for Mr. Radhakrishnan.

1 THE COURT: All right. So before we get
2 started, let me just remind everyone involved and
3 counsel particularly that we're going to be sticking to
4 a tight schedule here for the next few months. I need
5 you to take whatever steps are necessary to be here on
6 time so we can start promptly at nine o'clock every
7 day. We can't have any delays. All right?

8 Okay. Mr. Traini, I know you need to renew some
9 motions.

10 MR. TRAINI: I do. Thank you, your Honor. As
11 we discussed at our final pretrial conference, your
12 Honor, there were several legal matters we need to put
13 on the record.

14 The matters that we needed to put on the record
15 preliminarily this morning, your Honor, prior to the
16 jury coming in to court is the Defendant, Mr. Caramadre
17 that is, is renewing his earlier motion to sever, which
18 was based on Mr. Radhakrishnan's pro se representation.
19 You originally denied that motion in a written opinion,
20 and so we are again objecting to the denial of the
21 severance and renewing the severance motion this
22 morning.

23 THE COURT: All right.

24 MR. TRAINI: Secondly, your Honor, as you know,
25 Mr. Caramadre filed a motion to waive jury trial, which

1 was also based on Mr. Radhakrishnan's pro se
2 representation. You denied that in a written opinion
3 as well. The motion is being renewed at this time, and
4 again we are objecting to the earlier denial of that
5 motion.

6 Ordinarily, Judge, we would also have to, I
7 think, for the record, make that motion again after the
8 jury was sworn, but in order to not interrupt the
9 proceedings and delay things unnecessarily, we've all
10 agreed that by making it now it's the equivalent of
11 also making it after the jury is sworn and the
12 Government hasn't objected to that.

13 THE COURT: The Government is agreeable to that?

14 MR. VILKER: Yes, your Honor.

15 THE COURT: So both of those motions are denied
16 for the reasons stated in the written opinions
17 previously filed.

18 MR. TRAINI: Thank you, your Honor.

19 With respect to the evidence, we know again from
20 our pretrial conference that the first item of evidence
21 this morning is going to be Mr. Richard Wiley's
22 deposition, which is going to be played via video to
23 the jury. The Court will recall that previously there
24 was a motion to suppress filed by Mr. Caramadre, which
25 the Court heard and denied, and that was I believe a

1 motion to suppress all of the depositions, including
2 Mr. Wiley's. And we now renew that motion to suppress,
3 and again object to the fact that it was denied
4 earlier.

5 And similarly, your Honor, you will recall, I'm
6 sure, that several years ago there were objections to
7 the taking of the depositions in the first place when
8 we had the extensive Rule 15 proceedings before you.
9 And again, we are objecting to the deposition being
10 shown as having been taken in the first place for all
11 of the reasons that we stated in 2009 and following
12 with respect to the Rule 15 proceedings, and again
13 object to our denial of the earlier motion that we made
14 not to take the depositions. So we're renewing both of
15 those at this point in the trial.

16 THE COURT: Okay. For all the reasons stated in
17 the prior opinions, both with respect to the motion to
18 suppress and with respect to the Rule 15 matter, for
19 the reasons stated in the opinion I did in 2009, those
20 objections are all denied.

21 MR. TRAINI: And finally, your Honor, again, in
22 order to let these proceedings move smoothly, there
23 will be evidence commencing with Mr. Wiley's deposition
24 in which the Government will be offering co-conspirator
25 statements, particularly in Mr. Wiley's deposition

1 there will be co-conspirator statements of
2 Mr. Radhakrishnan. And pursuant to the ruling of First
3 Circuit going back to United States versus
4 Petrozziello, we would ordinarily be objecting to the
5 introduction of those statements at the time subject to
6 a determination by the Court that a conspiracy existed
7 and that the statements would be admissible against
8 Mr. Caramadre.

9 Pursuant to the First Circuit's opinion in
10 United States versus Ciampaglia, we are making the
11 objection now so that we don't have to interrupt the
12 actual playing of the deposition in order to do that.
13 And it's our understanding from the conference
14 yesterday that your Honor is going to follow the rule
15 of Ciampaglia and also the rule recently acknowledged
16 again in Ceresi that we will be able to have a standing
17 objection, if you will, to the introduction of all
18 co-conspirator statements, including not only Mr.
19 Radhakrishnan's but those of Mr. Hanrahan,
20 Mr. Maggiacomo, Mr. Condit, who are also unindicted
21 co-conspirators, and that you will deal with those when
22 you make your Ciampaglia finding at the end of the
23 evidence but that way we will not be required to object
24 every time a co-conspirator statement is offered in
25 order to keep the trial moving, and it's my

1 understanding the Government has no objection to that
2 process as well, Judge.

3 THE COURT: All right. So is that correct? The
4 Government has no objection to the timing of the
5 Defendant's motion?

6 MR. VILKER: That's correct.

7 THE COURT: All right. Very well.

8 Mr. Radhakrishnan, I take it you are joining in
9 each of these objections that have been set forth by
10 Mr. Traini?

11 MR. RADHAKRISHNAN: Yes, that's correct, your
12 Honor. Thank you.

13 MR. TRAINI: Thank you, your Honor.

14 THE COURT: You stated it correctly. I'm going
15 to allow you to have a continuing objection, a
16 Petrozziello objection, and there won't be any need to
17 interrupt any of the testimony on that basis.

18 All right. Then, lastly, before we bring the
19 jury in, Mr. Radhakrishnan, could you please stand up
20 with your counsel, your standby counsel.

21 I need to renew my advice to you pursuant to
22 U.S. versus Faretta, that I think it's in your best
23 interest to be represented in this case by counsel.
24 I've gone over this with you many times, both formally
25 and informally, but I want to renew to you my

1 suggestion that you accept the offer of representation
2 from the Public Defender's Office that's been extended
3 to you. Mr. Thompson has been involved in this
4 proceeding all the way through and is ready to take up
5 your representation. You understand that I think it is
6 in your best interest to be represented by counsel?

7 MR. RADHAKRISHNAN: Yes, your Honor, I do.

8 THE COURT: And do I take it from all the things
9 you've told me up to this point that you're still going
10 to insist on representing yourself?

11 MR. RADHAKRISHNAN: That is correct, your Honor,
12 yes.

13 THE COURT: Thank you. I think we're ready to
14 bring the jury in. Charlie.

15 (Proceedings in the presence of the jury as
16 follows:)

17 THE COURT: All right. Good morning, ladies and
18 gentlemen, and welcome.

19 As you know, you're here because today we're
20 going to begin the trial that you've been impaneled
21 for, that is the United States versus Joseph Caramadre
22 and the United States versus Raymour Radhakrishnan.

23 Now, the first thing I'd like to do, I'm going
24 to do something just a little bit different than the
25 normal trial. Before I have you sworn in as jurors

1 this morning, I want to ask you, has anybody had any
2 kind of change in your circumstances, any sort of
3 significant new situation that has come up or any other
4 reason that makes you feel that it would be very
5 difficult or impossible for you to perform your service
6 as jurors in this case?

7 All right. I'm seeing no hands. All right.
8 Nobody has anything -- all right. Very good.

9 Then the first order of business, ladies and
10 gentlemen, is to have you sworn in as the jurors in
11 this case, so I'm going to ask you all to stand and the
12 clerk will administer the oath.

13 (Jurors sworn.)

14 THE COURT: All right. Ladies and gentlemen,
15 let's begin by having counsel identify themselves for
16 you. I know you recall them from the impanelment
17 process, and also I'm going to ask them to once again
18 introduce you to their clients, and then I'm going to
19 proceed to give you some preliminary instructions.

20 MR. VILKER: Good morning, ladies and gentlemen.
21 My name is Lee Vilker. I'll be one of two United
22 States attorneys presenting this case on behalf of the
23 Government.

24 MR. McADAMS: Good morning, ladies and
25 gentlemen. My name is John McAdams.

1 MR. TRAINI: Good morning, ladies and gentlemen.
2 I'm Anthony Traini, and I'm one of the lawyers
3 representing Mr. Caramadre.

4 MR. LEPIZZERA: Good morning, ladies and
5 gentlemen. My name is Mr. Lepizzera, and to my right
6 is Mr. Caramadre.

7 MR. RADHAKRISHNAN: Good morning, ladies and
8 gentlemen. My name is Raymour Radhakrishnan. I will
9 be representing myself in this case. Standing next to
10 me today is Mr. Olin Thompson. He is my
11 court-appointed standby counsel. He will be helping me
12 along as this trial progresses.

13 Thank you very much for your time. I really
14 appreciate it.

15 THE COURT: Thank you, everyone.

16 All right. So ladies and gentlemen, we're going
17 to begin now. I'm going to give you some preliminary
18 instructions that will give you at least a start in
19 guiding you in performance of your role as the jurors
20 in this case.

21 We're going to be together for a long time. As
22 you know, this case is going to last several months.
23 I'm going to give you updates as we go along and let
24 you know what kind of progress we're making. I have
25 every intention to use your time efficiently and not

1 let this trial drag on any longer than it has to, and
2 I'll say a few more things about that in a few minutes.

3 The trial schedule, just so you know, we're
4 going to try this on what we refer to is a half-day
5 schedule, but it really is more like three-quarters of
6 a day. We're going to go two hours, and then take a
7 break and then we'll go for another two hours. So
8 we'll try it four trial hours a day. We'll go from
9 9:00 to 1:30 each day. There'll be a half-hour break,
10 and during that break you'll be provided with a good,
11 substantial snack.

12 Now, as a practical matter, it's important that
13 you use the facilities during that break. And so to
14 facilitate that, I'm going to allow you to go
15 downstairs for the break and not in the jury room
16 across the hall, which is a little cramped. It's also
17 important you have a snack so that you keep your
18 attention up and maybe some coffee or whatever beverage
19 you prefer.

20 So let me begin by giving you some preliminary
21 instructions. So now that you've been sworn, I need to
22 tell you what your job is. Your job is to find from
23 the evidence that is presented in this case what the
24 facts of the case are. You, and you alone, are going
25 to be the judges of the facts, and you will then have

1 to apply those facts to the law as I give it to you at
2 the close of the case. Now, you must follow the law
3 whether you agree with it or not. Nothing I may say
4 during the course of this trial is intended to indicate
5 to you, nor should be taken by you, to indicate what I
6 think the facts of this case are. That is solely your
7 job as the jury in this case.

8 Now, the evidence from which you'll find the
9 facts will consist of the following things: The
10 testimony of witnesses who will be testifying;
11 documents and other items of evidence that will be
12 introduced during the course of the trial; and any
13 facts that the lawyers agree to or what we refer to as
14 stipulate, stipulation with respect to a particular
15 fact; and finally, any fact that I instruct you to find
16 as a fact.

17 Now, certain things are not evidence and they
18 must not be considered by you, and I'm going to list
19 those to you now. Statements, arguments and questions
20 by the lawyers in this case are not evidence. And in
21 that regard, I need to make a special mention of the
22 fact that Mr. Radhakrishnan, who has chosen to
23 represent himself in this case as a Defendant, you must
24 understand as I told you during the impanelment process
25 that any statements, arguments that he makes during the

1 course of the trial is not testimonial. It is not
2 evidence. He is -- when acting as his own attorney,
3 his statements are like the statements of any other
4 attorney, that is, they are not evidence. Okay? And
5 all of you need to make sure you understand and keep in
6 mind the fact that anything that Mr. Radhakrishnan says
7 in the course of questioning or arguing or giving an
8 opening statement or closing arguments, whatever the
9 case may be, is not evidence.

10 Now, secondly, objections to questions by the
11 lawyers in this case are not evidence. Now, attorneys
12 have an obligation to their clients to make objections
13 when they believe evidence that is offered does not
14 comply with the Federal Rules of Evidence. You should
15 not be influenced by any such objection nor by my
16 ruling on the objection.

17 If I sustain the objection, then you should
18 simply ignore the question. If I overrule the
19 objection, then you should treat the question and the
20 answer to the question just as you would any other
21 answer to any other question. And if you're instructed
22 at any point that some item of evidence is received for
23 a limited purpose only, then you must follow that
24 instruction.

25 Thirdly, any testimony that I've excluded or

1 I've told you to disregard during the course of the
2 trial is not evidence and must not be considered by
3 you.

4 And finally, anything that you may have heard or
5 seen outside of the courtroom from any source
6 whatsoever is not evidence and must be disregarded.

7 You are to decide this case solely on the
8 evidence that is presented here in this courtroom
9 during this trial.

10 Now, there are two kinds of evidence. There is
11 direct evidence, and there is circumstantial evidence.

12 Direct evidence is the direct proof of a
13 particular fact, such as a witness who comes forward
14 and testifies that he or she saw something happen.

15 And then there's circumstantial evidence.
16 Circumstantial evidence is the proof of certain facts
17 from which you can infer or conclude that another fact
18 is true. That sounds kind of complicated but it really
19 isn't. Let me give you a very simple example. Let's
20 say you get up in the morning, you look out the window
21 and everything you see outside your house is wet, the
22 car is wet and the streets and grass, but it's bright
23 and sunny outside. Now, you can infer from what you're
24 observing that it rained overnight. You didn't see it
25 rain so you don't have direct evidence of the fact that

1 it rained, but you have circumstantial evidence; that
2 is, you can see certain things from which you can infer
3 that another fact is true. That is that it rained
4 overnight.

5 That's all circumstantial evidence is. Now,
6 obviously, not all examples of circumstantial evidence
7 are as simple as that example that I gave you but that
8 gives you an idea of what the difference is between
9 direct evidence and circumstantial evidence. Just keep
10 in mind that the law makes no distinction between
11 direct evidence and circumstantial evidence, and you
12 may consider both kinds of evidence in determining what
13 the facts of this case are.

14 At the end of the trial, it will be up to you to
15 decide which witnesses to believe, which witness not to
16 believe, how much of any witness's testimony to accept
17 or to reject. And I'll try to give you some guidelines
18 that assist you with that at the end of the trial in
19 determining the credibility of witnesses, which is one
20 of the primary responsibilities of the jury.

21 Now, there are certain rules that apply in a
22 criminal case such as this. And these are very
23 important rules. I've gone over them with you at the
24 impanelment process and you've observed them in the
25 questionnaire that you filled out, but I want to cover

1 them with you now because they are so important.

2 So first of all, defendants in a criminal case
3 are presumed to be innocent until proven guilty. The
4 indictment brought against the defendants in any
5 criminal case, including this case, is brought by the
6 Government only as an accusation and it is nothing
7 more. The indictment is not proof of guilt, nor is it
8 proof of anything else. It simply gets the case
9 started and brings it before you for a determination.
10 Therefore, defendants in a criminal case start out with
11 a completely clean slate.

12 Now, second, the burden of proof in a criminal
13 trial is upon the Government until the very end of the
14 case. A defendant has no burden to prove his
15 innocence, nor to present any testimony or any evidence
16 of any kind, including his own testimony.

17 Since a defendant has a right to not testify and
18 to remain silent, you are prohibited from arriving at
19 your verdict by considering the fact a defendant may
20 not have testified. Now, I don't know whether the
21 Defendants in this case intend to testify or not, but
22 what I do know is that you must not be influenced by
23 the fact that they, if they do, exercise their right to
24 remain silent and not testify.

25 Now, thirdly, the Government must prove a

1 defendant's guilt by a standard of what we call beyond
2 a reasonable doubt. I'm going to give you some further
3 instructions at the end of the case to assist you with
4 the meaning of the term "reasonable doubt," but suffice
5 it to say at this point that you all know what "doubt"
6 is. You have some sense as jurors what the term
7 "reasonable" means. Bear in mind, and this is
8 important, that in this respect a criminal case is
9 different from a civil case.

10 Now I want to go over with you a short summary
11 of the charges in this case. Now, in this case, the
12 indictment, which I mentioned to you, has no
13 significance other than it begins the case and brings
14 it before you. The charges allege that Defendant
15 Joseph Caramadre, later joined by Defendant Raymour
16 Radhakrishnan, devised and executed a scheme, and
17 conspired to do this, to obtain money from insurance
18 companies and corporate bond issuers by making material
19 misrepresentations and omissions to various parties.
20 These parties include, one, terminally ill people and
21 their family members in order to obtain their identity
22 information for use in furtherance of the scheme; two,
23 various intermediaries, including retail brokerage
24 houses and registered broker/dealer firms; and three,
25 the insurance companies themselves.

1 Now, the indictment further alleges that
2 Mr. Caramadre and Mr. Radhakrishnan used the identity
3 information of terminally ill people in furtherance of
4 the scheme without their consent. The indictment also
5 alleges that the Defendants engaged in financial
6 transactions over \$10,000 using the proceeds of the
7 fraud.

8 Mr. Caramadre is also charged with one count of
9 witness tampering. Mr. Caramadre is a licensed
10 attorney and certified public accountant.

11 Mr. Caramadre specializes in insurance products and was
12 a licensed insurance producer from the early 1990's
13 until approximately 2003. Mr. Caramadre operated
14 through an entity called Estate Planning Resources,
15 which I may refer to as EPR. Mr. Radhakrishnan was an
16 employee of EPR hired by Mr. Caramadre in 2007.

17 The indictment alleges that the Defendants
18 executed a fraudulent scheme to exploit death benefits
19 available on two types of financial products, variable
20 annuities and death-put bonds.

21 The indictment alleges that Mr. Caramadre and
22 Mr. Radhakrishnan obtained the identity information of
23 a number of terminally ill people by deceiving them and
24 their families through misrepresentation and material
25 omissions. These alleged misrepresentations took

1 various forms. The indictment alleges that as early as
2 1995, Mr. Caramadre used terminally ill individuals as
3 annuitants without their consent.

4 In the fall of 2007, Mr. Caramadre and
5 Mr. Radhakrishnan placed an advertisement in the
6 Providence Catholic newspaper offering a \$2,000 gift to
7 terminally ill people. The indictment alleges that
8 when Mr. Radhakrishnan met with respondents to the ad,
9 he made numerous misrepresentations and material
10 omissions regarding the investment program in order to
11 induce them to provide their identity information and
12 to execute investment documents.

13 Now, in addition, the indictment alleges that
14 Mr. Caramadre and Mr. Radhakrishnan made numerous
15 misrepresentations to broker/dealers, brokerage houses,
16 insurance companies in order to execute their scheme.
17 These include false information regarding the
18 terminally ill people's finances, investment
19 backgrounds and contact information.

20 The indictment also alleges that the Defendants
21 lied to the companies about the relationship between
22 themselves and the terminally ill people. In addition,
23 the indictment alleges Mr. Caramadre and
24 Mr. Radhakrishnan and others as nominees or straws
25 invested in their names in order to conceal from the

1 companies his actual interest.

2 With that overview, let me go through the
3 specific details with respect to the 66 counts in the
4 indictment. So the indictment contains 66 separate
5 counts. Mr. Caramadre is charged in all 66 counts.
6 Mr. Radhakrishnan is charged in 61 of the counts. And
7 the breakdown is as follows: Counts 1 through 26, both
8 Defendants are charged with 26 counts of wire fraud;
9 that is, causing material to be sent in interstate
10 commerce by means of wire communication in furtherance
11 of the alleged fraudulent scheme. Counts 27 through
12 32, Mr. Caramadre is also charged with six counts of
13 mail fraud; that is, causing the mails to be used in
14 furtherance of the alleged fraudulent scheme.

15 Mr. Radhakrishnan is charged with three counts,
16 three of those same counts of mail fraud, Counts 28, 29
17 and 31.

18 Count 33, both of the Defendants are charged in
19 Count 33 with one count of conspiracy to commit
20 offenses against the United States; to wit, mail fraud,
21 wire fraud, identity theft and aggravated identity
22 theft. Counts 34 through 59, Mr. Caramadre is charged
23 with 26 counts of identity theft. Mr. Radhakrishnan is
24 charged with 25 of those same counts, Counts 35 through
25 59.

1 Counts 60 through 64, both Mr. Caramadre and
2 Mr. Radhakrishnan are each charged with five counts of
3 aggravated identity theft.

4 Count 65, both Defendants are charged with one
5 count of engaging in a monetary transaction derived
6 from specified unlawful activity, also referred to as
7 money laundering.

8 And Count 66, in this count Mr. Caramadre is
9 charged with one count of witness tampering, and
10 Mr. Radhakrishnan is not charged in that count.

11 Now, I know that's a lot to absorb, ladies and
12 gentlemen; and I do want to tell you that we're going
13 to be doing everything possible to help you keep all of
14 this organized, both beginning with opening statements
15 and then throughout the trial, but ultimately with the
16 verdict form that you're given to fill out at the end
17 of the case will break each of these charges down and
18 you'll be asked to render a verdict of either guilty or
19 not guilty as to each of those counts.

20 Now, let me give you a few comments about your
21 conduct as jurors in this case and then some final
22 comments about how we're going to proceed.

23 First of all, you've heard me give you some
24 instructions up to this date. I'm going to reiterate
25 them to you now. The first one is that during the

1 course of the trial, and this is going to be a long
2 trial, as you know, you are not to discuss this case
3 with anyone or permit anyone to discuss it with you.
4 Now, until you retire to the jury room at the end of
5 the case to deliberate on a verdict, you are not to
6 have any discussions or talk to anyone about the case,
7 and that includes discussions among yourselves.

8 Now, this is going to be difficult for you, and
9 I fully recognize that. It's going to be difficult for
10 you to not have discussions among yourselves as the
11 trial is going on especially where it's going to go on
12 for such a long period of time, and it's going to be
13 difficult for you to exercise the discipline not to
14 discuss the case with your family and your friends,
15 your co-workers, whatever the case may be.

16 You heard me say this during impanelment and I
17 want to reiterate it to you, the best way to deal with
18 this outside of the courthouse is just not to let those
19 conversations get started.

20 Now, in a minute, I'm going to tell you there's
21 going to be some media coverage of this case. I think
22 you already know that. We've talked about, and you no
23 doubt have seen at least the fact that there's been
24 some media coverage, and I trust you've obeyed my
25 instructions and haven't watched or listened to or read

1 anything about this case. But your family and your
2 co-workers and your friends and others probably have,
3 and they may be curious about the fact that you're
4 serving on this jury.

5 So once again, I just emphasize to you how
6 important it is not to let yourself have those
7 conversations about the case. Don't let them get
8 started, especially during these first early days when
9 there might be more substantial media coverage. I'm
10 hoping that we can bore the media to death within a
11 week or two and that will dissipate.

12 All right. So you've heard me say it before,
13 and I'll reiterate it to you. You are to continue to
14 obey the instruction not to have any exposure to
15 anything in the media about this case. Finally, you're
16 not to do any research of any kind about anything
17 relating to the case, any kind of research,
18 particularly computer research, but any kind of
19 research about anything. You're to decide this case
20 only on the basis of the evidence that is presented
21 here in this courtroom.

22 And finally, you are not to form any opinion
23 about the outcome of the case until all the evidence is
24 in. Keep an open mind until you start your
25 deliberations in this case. And that, too, is going to

1 take some extra effort on your part where the trial is
2 going to go on for such a long time.

3 Now, I have a few more instructions I need to
4 give you. First, I need to remind you, as I've told
5 you before, that Mr. Radhakrishnan has decided to
6 represent himself in this case. And as I told you
7 during the impanelment process, you're not to have any
8 extra sympathy for him because he's not using an
9 attorney, nor are you to hold it against him because
10 he's not using an attorney, nor are you to let that
11 influence you in any way with respect to the
12 co-Defendant, Mr. Caramadre.

13 Also, you should understand that I've told
14 Mr. Radhakrishnan that he may exercise his right to
15 utilize counsel at any time during the course of the
16 trial. So if he changes his mind, Mr. Thompson, who is
17 here as his standby counsel, may undertake his
18 representation if he chooses to do that. Either way
19 it's his constitutional right, and you should simply
20 accept that.

21 Now, I told you before with respect to
22 Mr. Radhakrishnan's statements that they are not
23 evidence unless and until he testifies under oath.
24 Then what he says is evidence. I remind you of that.

25 Now, I am giving you notepads and pens and

1 pencils, and I do want to say a couple of things about
2 note-taking. We provide these to you as a convenience.
3 Jurors sometimes like to take notes; some jurors don't
4 like to take notes. There's no obligation to take
5 notes. You can rest assured that your notes will be
6 kept confidential, private. At the end of the day we
7 collect them. We hold them in a safe downstairs and
8 then we return them to you when trial starts the next
9 day. You can't take your notebooks home with you. At
10 the end of the trial, we destroy your notes. Nobody
11 reads your notes. They're for you only and to assist
12 you as the trial goes on and to assist you in the
13 deliberation process.

14 Just keep in mind if you are a note-taker that
15 you should not let note-taking distract you from
16 listening to what's going on with the witness on the
17 stand. Okay?

18 Now, during the course of the trial, from time
19 to time I'm going to give you some instructions to go
20 along with what I've already told you to help you
21 understand what's happening or if a particular type of
22 evidence is to be understood or to be used only for
23 certain purposes and not for others, I just want to
24 tell you that that -- I will attempt to do that as the
25 trial goes along to make your job easier.

1 The attorneys will probably agree to certain
2 things. We call those stipulations. From time to time
3 during the course of the trial, a stipulation will be
4 given to you either by counsel or I'll read it to you.
5 And as I told you at the beginning, stipulations are to
6 be taken by you as a fact.

7 Occasionally, I need to talk to the lawyers at
8 what we call the side bar up here at the side. I've
9 told counsel I want to keep those to the absolute
10 minimum. I don't want to waste your time. We're going
11 to do our best to do that, but please understand there
12 may be situations where I do need to talk to counsel at
13 side bar. We'll play pleasant music for you when that
14 happens, and we'll keep it as short as possible.

15 Now, finally, as I indicated to you, I think,
16 the Defendant, of course, has no obligation to testify
17 -- neither Defendant has an obligation to testify or
18 to present any evidence or to really do anything in a
19 criminal trial. We've done a lot of work to get ready
20 to present this case to you. I'm informed by counsel
21 for Mr. Caramadre and also by Mr. Radhakrishnan that
22 the Defendants in this case will not be giving an
23 opening statement. They will be what we call
24 reserving. That means that they're going to reserve
25 their opening statement for when the Government has

1 finished the presentation of its case. This is a
2 perfectly normal thing to do it and it's their right,
3 and I wanted to let you know that they would not be
4 giving an opening statement at the beginning, but
5 waiting for the Government to finish the presentation
6 of its case.

7 So we're ready to proceed with the trial. The
8 order of trial is as follows: The Government will make
9 an opening statement. I remind you that opening
10 statements are not evidence. It's simply an outline by
11 the Government of what the Government expects to prove
12 in this case.

13 As I've told you, the Defendants will not be
14 making an opening statement, and then we will proceed
15 to the presentation of the evidence.

16 The first evidence testimony in this case will
17 be presented by a video deposition and that will last
18 about two-and-a-half hours. So I expect that today's
19 presentation will be the Government's opening statement
20 and then the video deposition and that will probably
21 take up the whole day.

22 Okay? So with that, ladies and gentlemen, I'm
23 going to ask Mr. Vilker if he's ready to give his
24 opening statement.

25 MR. VILKER: Thank you, your Honor.

1 The COURT: Before you begin, I understand
2 there's one exhibit that's going to be used during your
3 opening statement. Is that agreeable to the Defendant?

4 MR. LEPIZZERA: No objection, your Honor.

5 MR. RADHAKRISHNAN: No objection, your Honor.

6 Thank you.

7 THE COURT: Go ahead, Mr. Vilker.

8 MR. VILKER: Thank you, your Honor.

9 Good morning, ladies and gentlemen. This is
10 going to be a long trial, unfortunately; and you're
11 going to hear some painful, emotional testimony
12 involving people who suffer from terminal illnesses
13 including many of whom who have since passed away.

14 You're also going to hear testimony about some
15 fairly complex financial products. But fundamentally,
16 this case is going to boil down to an essential
17 question, did the Defendants, Joseph Caramadre and
18 Raymour Radhakrishnan, simply exploit a loophole they
19 discovered or did they commit fraud? It's going to be
20 your job to sort through your emotions, put them aside
21 and examine the evidence that answers that key
22 question. And the evidence will show you that these
23 Defendants committed frauds because it is not a
24 loophole if you have to lie to get through it.

25 Now, as I mentioned, this case involves some

1 very painful subject matter. It involves large numbers
2 of people who are or were terminally ill, most of whom
3 have already passed away after struggling with
4 devastating illnesses like cancer, Lou Gehrig's disease
5 and heart disease. You'll hear from one of those
6 people who is still alive today whose identity
7 information was used by the Defendants. You'll see
8 videotaped testimony of some of these people who have
9 since passed on, their videotaped depositions being the
10 last words they could convey on this matter.

11 You'll hear from dedicated nurses and hospice
12 social workers whose job it is to take care of these
13 people. And you'll hear from many family members of
14 the terminally ill individuals who have since passed
15 away.

16 Now, you'll be hearing this testimony because of
17 the scheme that was orchestrated by the Defendants in
18 this case, Joseph Caramadre and Raymour Radhakrishnan.
19 You'll hear that Mr. Caramadre is a lawyer from
20 Cranston, a certified public accountant and a former
21 insurance agent, by all accounts a very intelligent
22 individual.

23 You'll hear, as Judge Smith noted for you, that
24 he ran a business called Estate Planning Resources.

25 You'll hear that beginning in the mid-1990's

1 Mr. Caramadre developed an investment strategy that
2 depended on the use of terminally ill individuals. On
3 his own behalf and on the behalf of investors, friends
4 and family members, Mr. Caramadre began to purchase
5 from insurance companies products called variable
6 annuities.

7 He discovered that these annuities offered
8 highly valuable death benefits upon the death of the
9 person identified in the contract as the annuitant.
10 These benefits included a guaranteed return of all
11 money that was invested, plus a guaranteed profit even
12 if the market went down, and various other kinds of
13 bonuses and enhancements.

14 None of these financial benefits, however, would
15 arrive unless one very important event took place. The
16 person Mr. Caramadre identified as the annuitant in the
17 annuity contract had to die and had to die quickly.

18 Now, as time went on, you'll hear that
19 Mr. Caramadre discovered another financial product that
20 produced tremendous profits upon the death of an
21 individual, these so-called death-put bonds. These
22 were corporate bonds issued by companies like General
23 Motors, Ford and Bank of America.

24 Now, normally, when you buy a bond, you have to
25 wait years or decades for the bond to mature before

1 you're able to redeem it at full value. But
2 Mr. Caramadre discovered that with these death-put
3 bonds if two people owned a bond together and one of
4 them were to pass away, the other could immediately
5 redeem the bond at full value. Again, this strategy,
6 which Mr. Caramadre used to make millions of dollars
7 within a short period of time could only succeed if he
8 found someone who was about to die and was about to die
9 quickly.

10 Now, I know this all sounds a bit complicated
11 when you first hear about these bonds and annuities.
12 You shouldn't be concerned now if you don't completely
13 understand them. We know it will take some time, and
14 you'll hear plenty of testimony about them as the trial
15 proceeds.

16 What is important to understand now is that both
17 of these investment strategies depended entirely on
18 finding people who were about to die. Once that was
19 done, the sooner that person would die, the more money
20 Mr. Caramadre, his family, his friends, his investors
21 would make. And you'll hear that Mr. Caramadre and his
22 associates made more than \$30 million this way, causing
23 millions upon millions of dollars in losses to the
24 companies involved.

25 Now, you'll hear from numerous witnesses that

1 Mr. Caramadre has repeatedly bragged to his investors
2 and others people that he found a loophole in the
3 system. The loophole Mr. Caramadre claimed to have
4 found was that neither the insurance companies nor the
5 bond issuers asked if the individual involved was
6 terminally ill. You'll hear that Mr. Caramadre has
7 claimed that since these companies didn't ask whether
8 the person was terminally ill, there was nothing
9 illegal about submitting annuity applications or
10 purchasing bonds using the Social Security numbers,
11 names, and dates of birth of people who were terminally
12 ill.

13 Now, I want to stop here and emphasize this
14 important point to you. The indictment does not
15 contend that it is illegal for a terminally ill person
16 to be the annuitant on an annuity. The insurance
17 companies wrote the annuity contracts and the bond
18 issuers set the terms of the bonds. If they wanted to
19 make sure that terminally ill people wouldn't be used,
20 they could have written that into their contracts. So
21 it is simply not illegal to use terminally ill people
22 on annuities or bonds.

23 In fact, even though it may be very
24 uncomfortable or troubling for you individually,
25 there's nothing per se illegal about profiting from

1 another person's death. But that is not what this case
2 is about. What is illegal is how the Defendants went
3 about orchestrating this scheme because, as I said
4 earlier, it is not a loophole if you have to lie to get
5 through it.

6 In this case, the evidence will show that the
7 Defendants did the following. They repeatedly lied and
8 deceived terminally ill people in order to get them to
9 serve as annuitants or to open brokerage accounts in
10 their names. They forged the signatures of some of the
11 terminally ill people on application forms. They had
12 terminally ill people sign blank signature pages
13 without explaining to them what it was that they were
14 signing. They told the terminally ill people that they
15 were just giving them a charitable gift intentionally
16 withholding and concealing from them that they were
17 using their identify information for their own profit.

18 They lied to the companies about the terminally
19 ill people's financial resources and investment
20 backgrounds, and they repeatedly lied to the companies
21 when they were asked direct questions about the
22 accounts that were being opened.

23 If Joseph Caramadre and Raymour Radhakrishnan
24 hadn't lied and deceived terminally ill people, if they
25 hadn't lied over and over again to the companies

1 involved, then they would have simply exploited a
2 loophole and we wouldn't be here. But it's not a
3 loophole if you have to lie to get through it, and the
4 evidence will show that's exactly what the Defendants
5 did.

6 Now, as I mentioned before, none of these
7 millions of dollars could have been made without a
8 continuous supply of people who are about to die. How
9 do you go about finding so many terminally ill
10 individuals?

11 You will hear that some of the terminally ill
12 people Mr. Caramadre found were relatives or somehow
13 connected to the Caramadre family. But as you can
14 imagine, there weren't enough of these people to go
15 around. So Mr. Caramadre had to find another way to
16 recruit more terminally ill people.

17 In the mid-1990's, Mr. Caramadre began to reach
18 out to total strangers on their death beds in order to
19 get their Social Security numbers so that he could use
20 their names on annuities. You'll hear that one of the
21 first times Mr. Caramadre did this was with a woman
22 named Debra Blowers, who was terminally ill.

23 You'll hear that without having ever met Debra
24 Blowers or her husband, Kenneth, Mr. Caramadre called
25 the Blowers' home and told Kenneth that he was able to

1 secure some small life insurance policies on Debra's
2 life even though she was terminally ill.

3 Kenneth agreed to do so, and two very small life
4 insurance policies were, in fact, obtained on Debra's
5 life. What neither Debra nor Kenneth knew, however,
6 was that Mr. Caramadre also used Debra's Social
7 Security number to open up four different annuities in
8 Debra's name so that he could make commissions and his
9 investors would be able to obtain death benefits when
10 Debra passed away, which unfortunately she did a few
11 months later.

12 Now, in the mid-1990's, you will hear that
13 Mr. Caramadre had another idea of how he could find
14 people who were about to die. You'll hear that
15 Mr. Caramadre visited a house of compassion in
16 Cumberland, Rhode Island that took care of people that
17 were dying from AIDS. You'll hear that Mr. Caramadre
18 proceeded to use the identities of these AIDS patients
19 on annuities he submitted in the mid- to late 1990's.
20 That steady supply of terminally ill people, however,
21 ran out when progress was made in the treatment of
22 AIDS.

23 You will hear that it became clear to
24 Mr. Caramadre that he had to find another way to locate
25 terminally ill individuals.

1 One of the terminally ill people Mr. Caramadre
2 then found was a man named Alfred LaMonte, who was
3 connected to the Caramadre family. In fact, Alfred was
4 the father of Mr. Caramadre's own brother-in-law, James
5 LaMonte. You'll hear that when Alfred LaMonte became
6 terminally ill in 2004, Mr. Caramadre invested more
7 than \$3 million in annuities in Alfred's name making
8 commissions and substantial profits when Alfred passed
9 away.

10 Mr. Caramadre's own brother-in-law, James
11 LaMonte, is expected to testify before you that
12 Mr. Caramadre never said anything to him or to his
13 father about taking out any kind of annuities in his
14 father's name or making any kind of commissions or
15 profit upon his father's death.

16 Now, you'll hear that as time goes on, by 2007,
17 Mr. Caramadre was running into a lot of problems
18 finding people who were terminally ill. Two of the
19 three terminally ill people he had at that time had
20 passed away, and Mr. Caramadre was left with only one
21 terminally ill person at his disposal. On top of that,
22 you'll hear that he lined up a number of wealthy and
23 prominent investors who stood ready to pour millions of
24 dollars into these annuities and bonds, but none of
25 this would work, no money could be made unless

1 Mr. Caramadre was able to locate and sign up many
2 people who were at death's door.

3 It was then Mr. Caramadre made a monumental
4 decision in an effort to find terminally ill people
5 throughout Rhode Island that he could use on his
6 investments.

7 In the fall of 2007, Mr. Caramadre placed an
8 advertisement in the local Catholic paper called the
9 Rhode Island Catholic, used to be known as the
10 Providence Visitor. The ad and the subsequent versions
11 of the ad ran until the end of 2008. Hopefully, the ad
12 should appear on the screens before you.

13 Now, as you can see, this ad provides that there
14 was a compassionate organization that would immediately
15 give \$2,000 in cash to terminally ill individuals. All
16 that was required to receive this \$2,000 was that the
17 individual be between 19 and 96 years old with a
18 terminal illness and a life expectancy of less than
19 three months.

20 As you can also see, this ad says nothing about
21 any of the terminally ill individuals being asked to
22 open any annuities or bonds, nor does it say anything
23 that would in any way suggest that the man behind the
24 ad, Joseph Caramadre, stood to make substantial profits
25 from the deaths of the people who responded to it.

1 The evidence will be clear that Joseph Caramadre
2 thought that offering \$2,000 would give him immediately
3 access to terminally ill people and that he could use
4 that access to make millions of dollars for himself and
5 his investors by opening annuities and bonds in their
6 names.

7 He was right. Dozens upon dozens of people saw
8 this ad and called the number on it. These were either
9 people who were very sick themselves or family members
10 of people who were about to die.

11 In addition to enduring all the physical and
12 emotional pain that these end-of-life situations cause,
13 these people were also under tremendous financial
14 strain, having left their jobs to take care of their
15 loved ones or gone bankrupt paying their never-ending
16 medical bills. You will hear that these people saw
17 this ad in the Catholic paper and thought it was a
18 God-send, that some benevolent individual perhaps
19 associated with the Catholic Church was out there
20 trying to help them. They had no idea that that
21 individual was Joseph Caramadre or that Joseph
22 Caramadre stood to make substantial profits off of
23 their deaths.

24 And that is where Defendant, Raymour
25 Radhadrishnan comes in. You'll hear that

1 Mr. Radhakrishnan became an employee of Mr. Caramadre
2 at Estate Planning Resources in the summer of 2007.
3 Fresh out of college with no securities or insurance
4 training whatsoever, Mr. Radhakrishnan was given by
5 Mr. Caramadre the job of meeting with the terminally
6 ill people who responded to the ad and getting them to
7 sign the account opening documents.

8 You'll hear that Mr. Caramadre and
9 Mr. Radhakrishnan intentionally decided that they would
10 not take even the most basic steps that could have
11 ensured that the terminally ill people understood what
12 they were signing, such as giving the terminally ill
13 people copies of the documents they signed or giving
14 them some time with the documents before signing them,
15 simple steps that would have given the terminally ill
16 people and their families an opportunity to review the
17 documents or perhaps ask an attorney or someone they
18 trusted for assistance.

19 You will hear that Mr. Radhakrishnan would
20 generally have one or two meetings with each terminally
21 ill person. You will hear that Mr. Radhakrishnan
22 typically began the meeting by speaking of the great
23 charitable work being performed by Mr. Caramadre by the
24 Catholic Church and that Mr. Caramadre was doing all
25 this because he really wanted to help people who were

1 terminally ill.

2 Mr. Radhakrishnan would then often give a \$2,000
3 check that he would describe as a gift. Then after the
4 check was given, Mr. Radhakrishnan would say that there
5 was a chance that Mr. Caramadre would give them even
6 more money, this time in the amount of three to four
7 thousand dollars. If that person appeared willing to
8 proceed further in that initial meeting,
9 Mr. Radhakrishnan would pull up signature pages for
10 them to sign and give them an additional check either
11 on that date or a later date.

12 On other occasions you will hear
13 Mr. Radhakrishnan and Mr. Caramadre would wait some
14 time after the first meeting and call back the family
15 to set up a second meeting. In either scenario, you
16 will hear that Mr. Radhakrishnan's goals were always
17 the same, to get the terminally ill people to give him
18 their Social Security numbers and dates of birth and
19 get them to sign the blank signature pages he put in
20 front of them.

21 The evidence will show that when
22 Mr. Radhakrishnan determined that the time was right to
23 ask for signatures, he would present these people with
24 blank signature pages and point to the places where
25 they were to sign their names. These people will tell

1 you that it is like what happens when you buy a house
2 and they're given a stack of papers to sign, that they
3 were just told to sign here and sign there, having no
4 idea what it was that they were actually signing.

5 The evidence will show that Mr. Radhakrishnan
6 would say whatever he needed to say to get these people
7 to put their signatures on these application forms.
8 What Mr. Radhakrishnan said to these dying people lies
9 at the heart of the case. Did he truly get their
10 consent by explaining to them that an account or an
11 annuity would be opened in their name that would allow
12 Mr. Caramadre and others to reap substantial benefits
13 from their deaths?

14 You will hear their testimony. You will see the
15 documents they signed, and you will be asked was this a
16 loophole or were these lies.

17 You will hear that these people, many of whom
18 were literally days or weeks from passing away, were
19 never told that their names, Social Security numbers
20 and dates of birth would be listed on annuities and
21 brokerage accounts, that some stranger had figured out
22 a way to profit from their deaths. If they had been
23 informed of this crucial fact and made a decision to
24 proceed, that would have been their choice and they
25 wouldn't be victims of identity theft. But you will

1 hear from witness after witness who will explain that
2 that is not what happened, that these dying people were
3 never made aware that the papers they were signing
4 would be used by the Defendant to make money off of
5 their deaths.

6 You will hear all kinds of different stories
7 that Mr. Radhakrishnan told these people to get them to
8 sign the account opening pages. Many of these
9 individuals will testify that they had absolutely no
10 idea whatsoever that any kind of account was going to
11 be opened in their names or in the names of their loved
12 ones, that they were told that the pages that they were
13 to sign were just needed for Mr. Caramadre's own
14 records, just a receipt to document that that \$2,000
15 check had been given.

16 They will tell you that they were presented with
17 blank signature pages and told to sign here and sign
18 there to get the money they believed was just charity.

19 One of these witnesses will be a man named
20 Eulogio Gonzalez, who's 44-year-old wife, Sonya, was
21 dying of breast cancer and was hospitalized at Women
22 and Infants Hospital here in Providence.

23 Mr. Gonzalez will testify that he was staying
24 with his wife in the hospital room around the clock
25 during the final few weeks of her life. He will

1 testify that one day Raymour Radhakrishnan simply
2 showed up at the hospital room and gave him and his
3 wife a check, saying that it was just charity.

4 Mr. Gonzalez thought that Mr. Radhakrishnan was
5 somehow affiliated with the hospital and that the money
6 he received was a gift. Mr. Radhakrishnan, you'll
7 hear, never mentioned a word about opening any kind of
8 an account in Eulogio Gonzalez or his wife, Sonya's,
9 name or that Joseph Caramadre or anyone else stood to
10 profit off of his wife's death.

11 Other people will explain that Radhakrishnan did
12 mention something about some kind of account being
13 opened but told them that any money that was going to
14 be made on the account would go to their surviving
15 family members, not to Joseph Caramadre or his
16 investors.

17 You'll hear, for example, from one woman who
18 lost her husband to cancer in 2008. She will tell you
19 that Mr. Radhakrishnan did tell her that an account was
20 going to be opened in her dying husband's name, but
21 that it would be a bank account in which \$5,000 would
22 be deposited that that woman could use for anything she
23 may need. Radhakrishnan hid from this woman and many
24 others the truth, that this account would not be for
25 the benefit of the terminally ill individuals and their

1 families, it would be for the benefit of Joseph
2 Caramadre and his associates so they could profit off
3 the deaths of the terminally ill.

4 Other family members will tell you about a
5 different lie that Mr. Radhakrishnan told them to get
6 them to sign the account opening documents, that
7 Mr. Radhakrishnan told them that an account would be
8 opened but that the profits from that account would go
9 to help other people who were terminally ill.
10 Believing that they were doing a positive thing, kind
11 of paying it forward by helping other people struggling
12 with terminal illnesses, these people signed where
13 Mr. Radhakrishnan told them to sign never for a moment
14 thinking that Joseph Caramadre or his investors stood
15 to make substantial profits off of their deaths.

16 One of these witnesses that you'll hear from is
17 a woman named Sandra Cazeault, whose 42-year-old
18 husband, Robert, was dying from brain cancer in 2008.
19 Sandra Cazeault will testify that Mr. Radhakrishnan
20 told her and her late husband that an account would be
21 set up in her husband's name but that the money in that
22 account would go to a special fund that was set up to
23 help other young people struggling from terminal
24 illnesses.

25 Mr. Radhakrishnan intentionally hid the truth

1 from Robert and Sandra Cazeault that the overwhelming
2 majority of the money to be made off of her husband's
3 death would go to line the pockets of Joe Caramadre.

4 You'll hear from some witnesses that
5 Mr. Radhakrishnan occasionally threw out the word
6 "annuity" but never gave any explanation of what an
7 annuity was.

8 You'll also hear that on occasion
9 Mr. Radhakrishnan would say that there was some kind of
10 tax shelter involved.

11 The bottom line with all of these terminally ill
12 witnesses and their families is this: They were never
13 informed of the crucial fact in this case, that other
14 people stood to make money off of their deaths or the
15 deaths of their loved ones.

16 You will hear that although some of the terms of
17 these annuities and bonds are a bit complicated, the
18 Defendants chose not to even provide the most
19 rudimentary explanation of what was occurring, that
20 investments were being purchased so that someone else
21 could make some money when the terminally ill person
22 died.

23 You will hear that rather than tell these people
24 this fundamental truth, Defendants chose to lie and to
25 mislead them. They chose to conceal from them that

1 they were being asked to provide their names, dates of
2 birth and Social Security numbers so that someone they
3 didn't know could profit upon their deaths.

4 Now, the witnesses I just described are some of
5 the people who actually signed the signature forms that
6 were put in front of them. Although they didn't
7 understand what it was they were signing, their
8 signatures were at least their own. You will see that
9 even the signatures of some of the terminally ill
10 individuals were stolen from them. The evidence will
11 show that in a number of instances when the Defendants
12 for one reason or another were unable to secure the
13 signatures of the terminally ill individuals, they
14 simply forged their signatures on the application
15 forms.

16 One of the witnesses who will testify as to the
17 false signatures on the application forms is a woman
18 named Ann Scuncio. The Defendant, Caramadre, opened up
19 a brokerage account in his name and in the name of Ann
20 Scuncio's mother, an elderly woman named Pia Bernardo.

21 Ann Scuncio will tell you that her mother did
22 not sign any of the forms, as she was unable to at that
23 point in her life, and that she did not sign any of the
24 forms on her mother's behalf.

25 You'll see the application forms with Pia

1 Bernardo's apparent signatures on them, and you'll see
2 that the Defendants made a major blunder. They
3 mistakenly signed the wrong first name on one of the
4 application forms.

5 You will also hear from a mother and son named
6 Kathleen Flori and Dennis Flori, Jr. You'll hear that
7 in 2008 while Kathleen Flori's husband, Dennis, Sr.,
8 was on his deathbed with cancer an account was opened
9 up in his name with Joseph Caramadre. Dennis, Sr. soon
10 passed away. Mrs. Flori and her son Dennis, Jr., will
11 testify about the two meetings they had with Raymour
12 Radhakrishnan and will tell you that they had no idea
13 that a brokerage account would be opened in Dennis,
14 Sr.'s, name or that Mr. Caramadre stood to make money
15 upon Dennis, Sr.'s, death. They will also testify that
16 Dennis, Sr.'s, apparent signatures on the application
17 forms are not his.

18 The Floris will testify that when
19 Mr. Radhakrishnan wanted Dennis, Sr. to sign one single
20 form but Dennis, Sr. was too sick to hold a pen and
21 sign his name by himself, you'll hear that his son,
22 Dennis, Jr., had to go next to his father on his death
23 bed, hold the pen in his father's hand and help him
24 sign one single document, a signature page.

25 As you can imagine, this was a very traumatic

1 moment for Dennis, Jr., having to hold his dying
2 father's hand to help him sign one single document.
3 Dennis, Jr. will testify that he's certain that he did
4 this on one and only one document, an internal document
5 that Mr. Caramadre kept for his records.

6 He will also testify that all of the five
7 supposed signatures of his father, Dennis, Sr., on the
8 brokerage account application forms are not Dennis
9 Sr.'s, and that he's certain of this fact because he
10 knows he only helped his father sign his name one
11 single time.

12 Now, we anticipate that during this case you'll
13 hear from four broad categories of witnesses, the
14 terminally ill individuals and their family members,
15 social workers and nurses, some of the insiders who
16 participated in the scheme with the Defendants; and
17 fourth, representatives of some the companies that were
18 involved.

19 Now, the first category of witnesses you'll hear
20 from are the terminally ill individuals themselves and
21 their family members, some of whom I've just described.

22 Now, you'll hear that the very people the
23 Defendants were deceiving, the terminally ill, were
24 chosen because they were supposed to die soon. By the
25 very nature of the scheme, therefore, most of the

1 individuals the Defendants dealt with have since passed
2 away and are unable to testify on their own behalfs
3 before you.

4 You'll hear, however, that although the
5 Defendants tried their best to find people who would
6 die quickly, they got it wrong on a few occasions.

7 One of the terminally ill individuals used by
8 the Defendant, a man named Edwin Rodriguez,
9 miraculously exceeded his life expectancy and is
10 expected to testify before you. Mr. Rodriguez is
11 suffering from a condition called osteomyelitis, a
12 terminal disease that is slowly eating away at his bone
13 structure.

14 Mr. Rodriguez will testify that he got this
15 condition after he was carjacked and shot in Providence
16 a number of years ago, an event that left him in a
17 wheelchair. He'll testify that in 2008, a hospice
18 social worker that was helping to take care of him told
19 him about a program she had heard about in which a
20 philanthropist was giving money away to terminally ill
21 individuals.

22 Edwin Rodriguez proceeded to have a couple of
23 meetings with Mr. Radhakrishnan during which
24 Mr. Rodriguez was presented with a pile of blank
25 signature pages to sign. Mr. Rodriguez is expected to

1 testify that he was never told that any accounts or
2 annuities would be opened in his name or that anyone
3 else stood to profit off of his death. Like many other
4 witnesses you will hear, he thought the money he was
5 receiving was simply the gift of a local
6 philanthropist.

7 Now, you will hear that a few of the other
8 terminally ill individuals did not make it to this
9 trial, but they did live long enough to give videotaped
10 depositions three years ago concerning their
11 interactions with the Defendants. Although they have
12 since passed away, the depositions will be played in
13 court on this screen in the video before you. You'll
14 hear in their own words that they had no idea
15 whatsoever that any accounts or annuities would be
16 opened in their names.

17 You'll hear in their own words how they never
18 for one second thought that Joseph Caramadre or anyone
19 else stood to make money upon their deaths.

20 In fact, the first witness you will hear is a
21 man named Richard Wiley. Richard Wiley was a
22 79-year-old man from Westerly, Rhode Island who passed
23 away from Stage IV cancer in November of 2009. You'll
24 see the video deposition that Mr. Wiley gave in this
25 case in September of 2009, a couple of months before

1 his death.

2 In that deposition, Mr. Wiley repeatedly
3 testified that he was never informed, that he had no
4 idea that a brokerage account was opened in his name,
5 that bonds were purchased in his name or that someone
6 else stood to benefit from his death.

7 Mr. Wiley's testimony will be consistent with
8 the testimony of witness after witness in this case,
9 that they were never told that their names, dates of
10 birth and Social Security numbers would be used on any
11 type of account or annuity that would let Joseph
12 Caramadre, Raymour Radhakrishnan or anyone else make
13 money off of their deaths, that their identities were
14 stolen from them.

15 You'll also hear from numerous family members
16 and loved ones of terminally ill individuals who have
17 since passed away. These family members were often
18 there when either Mr. Caramadre or Mr. Radhakrishnan
19 came calling.

20 These witnesses will testify about their
21 dealings with the two Defendants and what was told to
22 their loved ones before they were asked to sign the
23 papers that were put in front of them. They will tell
24 you that no one ever told them that someone else was
25 trying to profit off the deaths of their loved ones.

1 They will also testify about the false
2 information that was written by their loved ones on the
3 application forms submitted by the Defendants in which
4 the Defendants repeatedly lied by informing the
5 companies that the terminally ill individual had
6 substantial wealth and investment experience.

7 The terminally ill individuals and their family
8 members will tell you that this was absolutely false
9 information that Mr. Radhakrishnan and Mr. Caramadre
10 provided the companies.

11 Now, the second category of witnesses you'll
12 hear from are some hospice social workers and nurses
13 who took care of some of the terminally ill people
14 involved in this case. They will tell you that they
15 all along believed that Mr. Caramadre was simply
16 operating some kind of charity and that when they
17 referred their patients to this program they never for
18 a second thought that anyone else stood to profit from
19 their patient's death.

20 They will tell you they referred their patients
21 to this program until February of 2009 when
22 Mr. Caramadre was given an opportunity to come to Home
23 and Hospice headquarters and explain his program to the
24 social workers. When this meeting took place, you'll
25 hear that Mr. Caramadre, who was unclear in his

1 explanation and, in fact, refused to answer some of the
2 social workers' questions.

3 At that point, you will hear the hospice social
4 workers by and large stopped referring their patients
5 to Mr. Caramadre's program.

6 Now, the third category of witnesses you will
7 hear from are some of the insiders, some people who are
8 close with Mr. Caramadre and participated in this
9 scheme with him. Two of these people are Ed Hanrahan
10 and Ed Maggiacomo. Both Hanrahan and Maggiacomo are
11 licensed insurance agents who work out of Caramadre's
12 office. They were the ones who were submitting the
13 annuity applications that named terminally ill
14 individuals.

15 You'll hear that they proceeded to earn millions
16 and millions of dollars in commissions from insurance
17 companies, the majority of which they passed on to
18 Mr. Caramadre.

19 Mr. Hanrahan and Maggiacomo will explain to you
20 some of what was occurring behind the scenes at Estate
21 Planning Resources.

22 Mr. Hanrahan is expected to testify that he and
23 Mr. Caramadre both understood perfectly well that the
24 insurance companies did not want this type of business
25 and that they would be terminated by each and every

1 company once that company learned that they were
2 utilizing terminally ill individuals. In fact,
3 Mr. Hanrahan will tell you how one by one the insurance
4 companies did discover this fact, that they were using
5 terminally ill individuals and that when they learned
6 this, the companies terminated them, prohibited them
7 from submitting any further business to that company.

8 Rather than stopping this practice when they
9 were terminated by insurance companies, Mr. Hanrahan
10 will explain that Mr. Caramadre simply found other
11 insurance companies he could exploit, companies that
12 had yet to discover that he was using terminally ill
13 individuals as annuitants.

14 You'll see one e-mail in which Mr. Hanrahan
15 refers to one of these new insurance companies as
16 "fresh meat." And that's exactly what each new company
17 that didn't know what they were up to was to
18 Mr. Caramadre and Mr. Radhakrishnan, fresh meat they
19 could pounce upon.

20 Hanrahan will also explain to you that
21 Mr. Caramadre implemented a number of steps to trick
22 these companies, to keep the insurance companies from
23 finding out that he was using terminally ill people for
24 as long as possible. These steps included starting out
25 with a very small deposit when the annuity applications

1 were submitted, a deposit that wouldn't really attract
2 the attention of the companies, and then adding much
3 more money to the annuities once the application had
4 been approved.

5 You'll hear that another step Mr. Caramadre took
6 to deceive the companies was to put his money into
7 accounts and annuities in other people's names so that
8 the companies wouldn't put it together that all these
9 accounts really belonged to the same person.

10 Mr. Hanrahan will tell you that Mr. Caramadre
11 knew full well that what he was doing was causing
12 tremendous losses to these companies and that he tried
13 to conceal these activities for as long as possible.

14 The other insider that you'll hear from is a man
15 named Ed Maggiacomo. Like Hanrahan, Maggiacomo was an
16 insurance agent who was submitting these annuity
17 applications at Mr. Caramadre's request.

18 Mr. Maggiacomo will tell you how he repeatedly
19 lied to the insurance companies when they called him
20 asking questions about these annuitants, the terminally
21 ill people. As a matter of fact, you'll hear
22 recordings of the conversations in which Mr. Maggiacomo
23 lied to the insurance companies by falsely claiming
24 that there was some kind of relationship between the
25 annuitant, the terminally ill individual, and the owner

1 of the investment, who was sometimes Mr. Caramadre and
2 sometimes one of Mr. Caramadre's investors.

3 And that brings us to the final broad category
4 of witnesses you'll hear from in this case,
5 representatives of the companies that were lied to by
6 Mr. Caramadre and by Mr. Radhakrishnan.

7 During the course of this trial, you're going to
8 see on paper lie after lie the Defendants told the
9 companies involved. You'll see how they repeatedly
10 lied on the application forms by representing that the
11 terminally ill people had substantial wealth and
12 investments experience when they knew full well that
13 these people were in dire financial straits, that many
14 responded to the ad because they didn't even have
15 enough money to pay for their own funerals.

16 You'll also see on paper how the Defendants
17 repeatedly lied on the application forms by providing
18 false phone numbers and contact information for the
19 terminally ill people so that the companies would have
20 difficulty contacting them.

21 You'll also see on paper lie after lie that the
22 Defendants told about who these terminally ill people
23 were, falsely representing that they were clients,
24 friends or acquaintances. And you'll see on paper how
25 Mr. Caramadre and Mr. Radhakrishnan regularly misled

1 the companies by putting other people's names on the
2 accounts in which the money really belonged to
3 Mr. Caramadre.

4 Now, as time went on, you will hear that the
5 companies involved began to figure out what was going
6 on, that Mr. Caramadre was using terminally ill
7 individuals as co-owners on the accounts or as
8 annuitants on the annuities. And these companies
9 started to ask questions of Mr. Caramadre.

10 Mr. Caramadre was then faced with a critical choice
11 when these companies started asking him questions. Do
12 I tell the truth that I'm making substantial profits on
13 the deaths of terminally ill individuals and run the
14 risk of these companies shutting me down, or do I lie
15 and make them think that the account was some type of
16 legitimate estate planning accounts, that the
17 terminally ill are my Estate Planning clients who I am
18 helping to manage their estates? You'll hear that when
19 faced with this decision, Mr. Caramadre chose the
20 second option. He chose to commit fraud by telling the
21 companies lie after lie.

22 You'll hear that one of the companies that was
23 deeply involved in this was the brokerage company TD
24 Ameritrade. Mr. Caramadre opened up more than 30
25 Ameritrade brokerage accounts in his name and in the

1 name of terminally ill individuals in which millions of
2 dollars worth of these death-put bonds were purchased.

3 When Ameritrade wanted to know why Mr. Caramadre
4 was opening up so many accounts with so many different
5 people, they contacted and met with Mr. Caramadre and
6 Mr. Radhakrishnan. You'll hear that Mr. Caramadre
7 proceeded to lie to them about what was happening in
8 these accounts. Mr. Caramadre told Ameritrade
9 officials a boldface lie, that the co-owners of the
10 accounts, these terminally ill people, were his Estate
11 Planning clients and that he was helping them manage
12 their estates and that's what was going on in these
13 accounts.

14 The truth, which he deliberately lied about and
15 hid from Ameritrade, was that the co-owners were not
16 his Estate Planning clients. They were terminally ill
17 people who had responded to the ad he had placed in the
18 Catholic paper.

19 This same pattern occurred with other companies
20 that were involved, including e-Trade and Lifemark.
21 You'll hear that these companies had concerns about the
22 fact that so many people on Mr. Caramadre's accounts
23 and annuities were dying so quickly and asked him and
24 Mr. Radhakrishnan for further information.

25 You'll hear from witnesses from these companies

1 that -- and they will tell you that they were also lied
2 to by the Defendants.

3 You will also hear evidence that Mr. Caramadre
4 and Mr. Radhakrishnan committed the crime of money
5 laundering when Mr. Caramadre purchased an \$800,000
6 annuity with his money but in the name of
7 Mr. Radhakrishnan. To make this happen, the Defendants
8 had to lie on the forms submitted with the annuity
9 applications to make it falsely appear that
10 Mr. Radhakrishnan was earning hundreds of thousands of
11 dollars from a company called Net Worth Display
12 Systems. The evidence, however, will show that this
13 was another lie, that Mr. Radhakrishnan had no income
14 whatsoever from this company.

15 And you will hear evidence that during the grand
16 jury phase of this case, Defendant Caramadre tampered
17 with a witness by attempting to persuade that witness
18 to lie to a federal investigator and that that witness
19 did, in fact, lie as he was told to by Mr. Caramadre.

20 Now, throughout the trial you'll be shown a lot
21 of financial documents such as large checks to the
22 companies involved and checks to some of the terminally
23 ill people who responded to the advertisements. It may
24 well appear daunting to you if you try to keep track of
25 the flow of the money involved in this case. Please

1 keep in mind that near the end of the Government's case
2 we'll present a summary witness to you who will
3 summarize the financial transactions that Mr. Caramadre
4 and/or Mr. Radhakrishnan organized using terminally ill
5 people. It is anticipated that you will hear from this
6 witness that the Defendants did give some money to the
7 terminally ill people totaling several hundred thousand
8 dollars. You'll also hear evidence, however, that this
9 scheme generated more than \$30 million in profits to
10 Caramadre and his investors and caused millions and
11 millions of dollars in losses to the companies
12 involved.

13 The evidence will show that Mr. Caramadre
14 treated the relatively small money he was paying to
15 terminal ill as a necessary step for him to make
16 millions of dollars off of their deaths.

17 At the end of the day, this fraud case, like all
18 fraud cases, is about lies. As the trial proceeds,
19 you'll hear witness after witness, see document after
20 document, and hear recording after recording that
21 showed repeated lies of these two Defendants. The
22 terminally ill individuals and their family members
23 will testify as to the lies the Defendants told them
24 and how they were deceived into signing blank pages
25 that were put in front of them, or how the signatures

1 on the account opening documents are not those of their
2 loved ones.

3 The representatives of the various companies
4 will testify about the repeated lies that Mr. Caramadre
5 and Mr. Radhakrishnan told them. You'll see dozens of
6 account applications in which lies were told about the
7 terminally ill person's finances, investment history,
8 phone numbers and other contact information.

9 You'll see numerous documents in which false
10 information was provided to the companies about who
11 these terminally ill people were. You'll be provided
12 with documents that show the financial machinations
13 that Mr. Caramadre went to to open a large number of
14 these accounts and annuities in other people's names to
15 deceive the companies to believing that he was not the
16 one investing all this money. And you'll hear actual
17 recordings made by the companies as part of their
18 normal business practice in which some of the lies of
19 the Defendants and of co-conspirators are caught on
20 tape.

21 In short, ladies and gentlemen, this is a case
22 about lies and deceit, and the evidence of the
23 Defendants scheming to defraud will be overwhelming.
24 The evidence the Government will present to you in this
25 case will leave you with no doubt that Joseph Caramadre

1 and Raymour Radhakrishnan engaged in an elaborate
2 scheme to defraud and deceive terminally ill
3 individuals, insurance companies and bond issuers.

4 The evidence will leave no doubt that
5 Mr. Caramadre and Mr. Radhakrishnan committed identity
6 theft by using the names, Social Security numbers and
7 dates of birth of terminally ill individuals without
8 their knowledge or consent.

9 Joseph Caramadre did, in fact, find a way to
10 make millions of dollars upon the deaths of terminally
11 ill individuals. The path he chose, however, was not a
12 legal loophole. The path he chose was one of fraud,
13 deceit, and lies; lies to the companies involved and
14 lies to the terminally ill people.

15 At the close of this case, we will have an
16 opportunity to address you again. At that time, we
17 will ask you to return a verdict of guilty on all
18 counts against both Defendants. Thank you very much.

19 THE COURT: Thank you, Mr. Vilker.

20 All right. Ladies and gentlemen, we're going to
21 proceed now with the deposition testimony of
22 Mr. Richard Wiley. I'm told the deposition lasts about
23 two-and-a-half hours. We'll watch about one-half hour
24 of it and then we'll take our morning break, and then
25 we'll finish with the last two hours, which will take

1 us through the end of the trial day.

2 Before we begin, I do want to emphasize to you
3 something that I told you during my preliminary
4 instructions, which is to remind you that statements
5 made by counsel in an opening statement are not
6 evidence and should be understood by you as only an
7 outline of what the Government expects the case to be
8 about and particularly characterizations with respect
9 to things such as profits and losses and statements of
10 lies and that sort of thing tends toward argument to
11 you, and you're the ones that will be asked at the end
12 of this trial to decide the question of whether the
13 Defendants are guilty of the charges alleged in the
14 indictment, whether these monies are profits, whether
15 they are losses and whether things said are lies and
16 whether the fraud occurred. That will be for you to
17 decide based on the evidence that is going to be shown
18 during the course of the trial.

19 Finally, one other thing I want to tell you
20 before we begin the deposition, the video deposition,
21 is you're going to see some references to various
22 exhibits while these video depositions are shown, and
23 they're going to appear on the screens that are in
24 front of you. Certain numbers will be used when those
25 exhibits are shown, and those numbers may not be the

1 same as what those documents are numbered for purposes
2 of this trial. I don't want you to get confused in
3 taking down those numbers. We'll provide you -- at the
4 appropriate time, those documents will come into
5 evidence, and they'll be given an evidence number,
6 trial evidence number, but in deposition they're often
7 given a number for purposes of the deposition. I just
8 want to highlight that for you so you don't get the two
9 numbers confused. There are going to be a lot of
10 exhibits in the trial so it's important to try to keep
11 track of the numbers correctly.

12 All right. Are we ready to proceed with the
13 deposition?

14 MR. McADAMS: Yes, your Honor. Before we play
15 it, at this time I would like to move into evidence the
16 exhibits that were used in the deposition of Mr. Wiley.
17 Those exhibits are for trial purposes Government
18 Exhibit 158, which is identified in the deposition as
19 Wiley Depo Exhibit 1. It's an agreement and
20 acknowledgment form. I'd also like to move in
21 Government Exhibit 159, which is identified during the
22 deposition as Wiley Deposition Exhibit 2, which is a
23 limited trading authorization document. Government
24 Exhibit 160, which is identified during the deposition
25 as Wiley Deposition Exhibit Number 3, which is an

1 account statement of Richard Wiley and Paula Caramadre.
2 Government Exhibit 161, which is identified during the
3 deposition as Wiley Deposition Exhibit Number 4, a
4 TradeKing affidavit. And Government Exhibit 129, which
5 is identified during the deposition as Wiley Deposition
6 Exhibit Number 7, which is a letter from
7 Mr. Radhakrishnan to Mr. Wiley. And I would request
8 permission, your Honor, that the Government be
9 permitted to publish those during the playing of the
10 deposition. Ms. Anderson will publish them at the time
11 that they are referenced during the deposition.

12 THE COURT: All right. Is all of that agreeable
13 to the Defendant?

14 MR. LEPIZZERA: No objection, your Honor.

15 THE COURT: Mr. Radhakrishnan?

16 MR. RADHAKRISHNAN: No objection, your Honor.
17 Thank you.

18 THE COURT: All right. Then Exhibits 158, 159,
19 160, 161, and 129 will all be admitted in full and
20 published to the jury during the showing of the
21 deposition.

22 (Government Exhibits 158, 159, 160, 161, and 129
23 admitted in full.)

24 THE COURT: Are we ready to play the deposition?

25 MR. McADAMS: We are, Judge.

1 (Video deposition of Mr. Wiley played.)

2 THE COURT: Okay. So ladies and gentlemen, it's
3 about 11 o'clock. I'm going to take our break now.

4 I want to make a couple of comments before I
5 send you out about the video deposition that you're
6 watching. It's important to understand that this
7 deposition, as you can see from the screen, was taken
8 about almost three years ago during some of the
9 preliminary proceedings that have eventually led to
10 this trial; and at that time, there were a number of
11 different lawyers who were involved in the process.
12 And because it was so early in the process and this
13 proceeding was somewhat unusual, the attorneys were
14 expressing a lot of objections as you can hear during
15 the course of the questioning.

16 It's a little distracting but one of the
17 problems is that the -- during a deposition, typically,
18 objections get stated to be preserved for the record if
19 the testimony is eventually used in trial. And as you
20 can see, sometimes the answers to questions are
21 intermingled with the objections. So it's hard to
22 extract that distracting information. But what's
23 important for you to understand is all of that doesn't
24 mean anything for your purposes. You're simply
25 listening to the substantive questions and answers.

1 All of those objections you should simply just
2 disregard because anything in the way of objections and
3 that sort of thing that I've needed to deal with I've
4 already dealt with.

5 So it's a distraction. I'm just asking you to
6 disregard it and to listen to the substantive questions
7 and answers that are given during the course of the
8 deposition.

9 So we'll take our morning break at this time.
10 You, I think, will be allowed to go downstairs to have
11 your sandwich. Charlie will lead you down there. And
12 there's some other snacks available. We'll take about
13 30 minutes, make sure you use the facilities, and keep
14 in mind my instruction not to talk about the case.
15 Charlie will show you out. Thank you very much.

16 (Proceedings out of the presence of the jury as
17 follows:)

18 THE COURT: Anything we need to take up?

19 MR. RADHAKRISHNAN: No, your Honor.

20 MR. TRAINI: No, your Honor. Thank you.

21 THE COURT: Counsel come up for one minute,
22 please.

23 (Side bar conference off the record.)

24 (Recess.)

25 (Proceedings in the presence of the jury as

1 follows:)

2 THE COURT: Welcome back, ladies and gentlemen.

3 Hope you enjoyed your break and found a good,
4 nutritious snack downstairs for you. I think we're
5 ready to proceed so I'm going to ask the clerk to start
6 the deposition again.

7 (Video played.)

8 THE COURT: What page in the transcript and what
9 line?

10 MR. LEPIZZERA: Page 42, your Honor.

11 THE COURT: Are you sure?

12 MR. McADAMS: On the transcript, it's 104 on the
13 side number, side page number, bottom of the page is
14 42.

15 THE COURT: Can you just rewind it a little bit
16 to make sure we haven't lost anything.

17 (Video played.)

18 MR. McADAMS: We may need to clean the disk.

19 THE COURT: Sorry, ladies and gentlemen.

20 MR. McADAMS: May be the player. I'm not sure.

21 (Video played.)

22 MR. RADHAKRISHNAN: Excuse me, your Honor. I
23 have to object.

24 THE COURT: Stop the video. Counsel come up,
25 please.

(Side bar conference off the record.)

THE COURT: Ladies and gentlemen, obviously, there's a little bit of a technical difficulty with the disk or the player, and I'm not sure which it is, but I don't want to keep you here while we try to figure this out. We have about 30 to 40 minutes left, maybe 45 minutes left of this deposition.

So what I'm going to do is I'm going to let you go now for the rest of the day. I'm going to have counsel and the technical people here at the courthouse check everything so that we know that it all runs smoothly tomorrow morning, and we'll finish this video deposition in the morning and then proceed to the next witness, who will be a live witness.

And so I just want to take a moment just to remind you of all of my previous instructions not to read or listen to or watch anything that appears in any media. There's no doubt there will be some media coverage of this case as I mentioned to you before, and you're to stay away from that. Secondly, not to have any conversations with anyone about the case and also not to do any research of any kind about anything related to the case.

Now, when you come back to the courthouse tomorrow or at any time when you're out or about, we're

1 not taking lunch hours in this trial, but if you are
2 coming into the courthouse or you're leaving the
3 courthouse, you may see someone that you recognize from
4 court. You may see them walking into the courthouse or
5 around town someplace.

6 During the trial, you've been given juror
7 buttons, I think, and you should wear those if you're
8 at any time near the courthouse, out in the vicinity.
9 That way people who are associated with the trial know
10 to stay away from you, and you need to make sure that
11 you don't inadvertently run into anybody or stand in a
12 coffee line with somebody who is connected with this
13 case. And that's why we give you those juror buttons.
14 Okay?

15 So Charlie will show you out, and we'll see you
16 bright and early tomorrow morning, nine o'clock. We'll
17 start nine o'clock sharp.

18 Thank you very much. And leave your notebooks
19 behind. We'll collect them.

20 (Proceedings out of the presence of the jury as
21 follows:)

22 THE COURT: All right. We'll recess for the
23 day. Start tomorrow morning nine o'clock, and just
24 make sure all the disks are thoroughly cleaned and
25 we'll make sure, John, this player needs to have a

1 thorough cleaning so that we don't have this problem
2 again. Okay?

3 Thanks. We'll be in recess.

4 (Court concluded at 1:05 p.m.)

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C E R T I F I C A T I O N

I, Anne M. Clayton, RPR, do hereby certify
that the foregoing pages are a true and accurate
transcription of my stenographic notes in the
above-entitled case.

/s/ Anne M. Clayton

Anne M. Clayton, RPR

January 10, 2013

Date